

REMARKS

Claims 1-11 are pending in this application. There are no claim amendments. No new matter is presented, and no new issues have been raised.

Reconsideration of the above-identified application in view of the preceding amendments and the following remarks is respectfully requested.

In brief, the claims cover an exercise equipment comprising a coupling mechanism configured to movably couple a support portion to a base. In order to use the equipment, a user sits on a saddle connected to the support portion, and the coupling mechanism moves the support portion. In particular, the coupling mechanism moves the support portion in such a way that a positional displacement between the user's feet and center of gravity varies the load being acted on her legs by her own weight. Also, the coupling mechanism limits the direction of the positional displacement of the user's feet relative to her center of gravity to a direction of flexion and extension of her knee joints.

In the Office Action, the Examiner found the declaration to be defective.

The offending phrase, "which is material to patentability **as defined in** Title 37, Code of Federal Regulations, Section 1.56," appears in the wording of the declaration provided by the U.S. Patent & Trademark Office. See www.uspto.gov. Accordingly, the applicants respectfully request that this objection be reconsidered and withdrawn.

The Examiner has rejected Claims 1-6 and 11 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,480 to Halsted, in view of U.S. Patent

Application Publication No. 2002/0163231 to Hoshino.

Halsted discloses an exercise machine wherein a seat (saddle) is mounted on a support portion which is mounted on a base. In particular, the support portion of **Halsted** is movable only in an up and down direction. **Hoshino** is cited for the disclosure of a saddle having a pair of curved recesses at its outer periphery.

Neither **Halsted** nor **Hoshino** teaches a support portion that can be moved back and forth and around in an oscillating manner.

In particular, claim 1 recites a coupling mechanism configured such that a load acted a user's legs by her own weight varies according to a relative positional displacement of her feet and center of gravity.

Contrary to the Examiner's assertion that **Halsted** discloses the claimed coupling mechanism, **Halsted's** coupling mechanism moves the seat (saddle) mounted on a support portion **only in an up and down direction**. That is, the user is only moved in an up-down movement and, consequently, as can be seen in Figures 1 and 2 of **Halsted**, the positional relationship between the user's feet and center of gravity is kept constant. That is, the limited up-down movement of the seat of **Halsted** fails to vary the load acted on the user's leg by her own weight.

Claim 1 further defines a coupling mechanism configured to limit the direction of the positional displacement of the user's feet relative to her center of gravity to a direction of flexion and extension of her knee joints.

In **Halsted**, however, given that the limited up-down movement of the seat fails to displace the user's feet in relation to her center of gravity, **Halsted's** coupling mechanism in no way limits the direction of the positional displacement of the user's feet relative to her center of gravity to a direction of flexion and extension of her knee joints. Therefore, **Halsted** fails to meet the claimed limitation of a coupling mechanism.

Furthermore, not only is **Halsted** directed to a simple up-down movement, Figure 3 of **Halsted** teaches away from the claimed invention. "A reference may be said to teach away when a person of ordinary skill, upon reading the reference . . . would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994); *Gillette Co., v. S.C. Johnson & Son, Inc.*, 919 F.2d 720 (Fed. Cir. 1990) (finding that the closest prior art reference "would likely *discourage* the art worker from attempting the substitution suggested by [the inventor]"). Figure 3 shows a carousel ride, which is mounted on a rotatable disk-like floor. The user on the carousel ride enjoys a horse-riding feeling by the simultaneous movement of the carousel ride in an up and down direction and the rotation of the disk-like floor. However, should the carousel ride also oscillate in a back and forth direction so as to vary the load acted on the user's legs by her own weight, as in the claimed invention, the user may fall from the moving carousel ride, potentially resulting in serious injury. Therefore, not only does **Halsted** fail to disclose the claimed oscillating movement, it teaches away from movement that would change the load acted on the user's legs as recited in claim 1.

Hoshino merely discloses a chair for a drum performer. Contrary to the saddle recited in claim 1, **this chair is designed to such that a drum performer comfortably**

gives a performance in a stable sitting posture, and fatigue or pain of the drum performer can be reduced.

In light of the foregoing, the combined disclosure of **Halsted** and **Hoshino** fails to teach or suggest a coupling mechanism (1) configured so that a load acted on the user's leg by her own weight varies according to the relative positional displacement of her feet and center of gravity; and (2) configured to limit the movable direction of the support portion such that the direction of the positional displacement of the user's feet and center of gravity are limited to the direction of flexion and extension of her knee joints. Therefore, the combined disclosure of the references fails to render obvious the claimed invention recited in claims 1-6 and 11. The applicants respectfully request reconsideration and withdrawal of this rejection.

The Examiner has rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Halsted, in view of Hoshino, and in further view of U.S. Patent No. 6,189,908 to Lu.

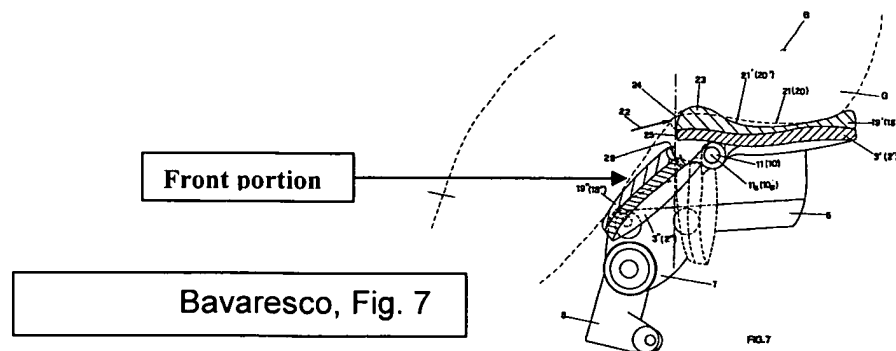
Lu has been cited for disclosing a detachable backrest. Contrary to the Examiner's assertion, however, the backrest of **Lu** is fastened to and detachable from a seat tube 112, not the saddle. Therefore, **Lu** fails to teach or suggest the saddle recited in claim 7.

Moreover, **Lu** fails to cure the deficiencies of **Halsted** and **Hoshino** discussed above. Accordingly, the combination of **Lu**, **Halsted**, and **Hoshino** fails to render the claimed

invention recited in claim 7 obvious. The applicants respectfully request reconsideration and withdrawal of this rejection.

The Examiner has rejected claims 8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Halsted, in view of Hoshino, and in further view of U.S. Patent No. 6,357,825 to Bavaresco.

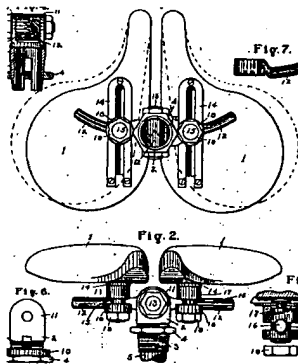
Bavaresco has been cited for disclosing a saddle-length adjuster and a saddle-angle adjuster. Contrary to the claimed invention, however, **Bavaresco** merely teaches a saddle with two widthwise sections wherein the front portion folds down, thereby shortening the saddle length and adjusting the saddle inclination. As a result, however, in a shortened state, the front portion of the saddle cannot provide support to the user's buttocks. Therefore, **Bavaresco** fails to teach or suggest the saddle recited in claims 8 and 10.



Moreover, **Bavaresco** fails to cure the deficiencies of **Halsted** and **Hoshino** discussed above. Accordingly, the combination of **Bavaresco**, **Halsted**, and **Hoshino** fails to render the claimed invention recited in claims 8 and 10 obvious. The applicants respectfully request reconsideration and withdrawal of this rejection.

The Examiner has rejected claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Halsted, in view of Hoshino, and in further view of U.S. Patent No. 608,682 to Jamieson.

Jamieson has been cited for disclosing a saddle-length adjuster and a saddle-width adjuster. Contrary to the claimed invention, however, **Jamieson** merely teaches a saddle with two lengthwise sections wherein the saddle sections can be moved forward, backward, or sideways.



Jamieson, Figs. 1,2

In **Jamieson**, the saddle length cannot be elongated while maintaining the symmetry of the saddle. That is, the only way **Jamieson's** saddle can be lengthened is to move one section backward and the other section forward, resulting in an asymmetrical saddle. Therefore, **Jamieson** fails to teach or suggest the saddle recited in claims 8 and 9.

Moreover, **Jamieson** fails to cure the deficiencies of **Halsted** and **Hoshino** discussed above. Accordingly, the combination of **Jamieson**, **Halsted**, and **Hoshino** fails to render the claimed invention recited in claims 8 and 10 obvious. The applicants respectfully request reconsideration and withdrawal of this rejection.

Application No. 10/581,266
Amendment dated February 27, 2008
Reply to Office Action of December 12, 2007

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Docket No.: 80508(302721)

In view of the above amendment, applicant believes the pending application is in
condition for allowance.

Dated: February 27, 2008

Respectfully submitted,

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